

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Wade Stepheney, Jr., a/k/a Wade)
Stepney, Jr.; Wade Stephney; and) C/A No. 1:11-3261-MBS
Wade Stepheny, Jr.,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
Ms. Cynthia Wilson, OCSDCS)
Superintendent; Mr. Paul G. Bidwell,)
OCSD Trustee; Lisa T. Jenkins, OCSD)
Chair-Trustee; Sam Farlow, OCSD Trustee;)
Dr. P. Oscar Butler, RMC; Dr. Singleton,)
O-C Regional Detention Center Physician;)
Ms. Gladys Arends, Trustee RMC;)
Mr. Leroy Ravenell, OCSC Sheriff; Mr.)
Tyrell Davis, ODPS Chief; Mr. Willie)
Bamberg, Dr. O-C Co. Reg. Det. Center,)
)
Defendants.)
)

ORDER

On December 1, 2011, Plaintiff Wade Stepheney, Jr., proceeding pro se, filed a complaint contending that he was injured when gasoline spilled on him, apparently as he was burglarizing the Orangeburg Calhoun School District 5 (OCSD), South Carolina maintenance shed. Plaintiff was treated at the Regional Medical Center in Orangeburg and subsequently was arrested and detained at the Orangeburg Calhoun County Regional Detention Center (OCCRDC). Plaintiff complains that the OCSD Defendants failed to allocate a budget for adequate security so that the burglary would not have occurred. Plaintiff further alleges that he did not receive proper medical care at the Regional Medical Center and OCCRDC, and that the medical Defendants were deliberately indifferent to his serious medical needs. Plaintiff further complains of violations of his equal protection and due process rights. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, seeking damages and injunctive relief, including immunity from further prosecution.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. On January 13, 2012, the Magistrate Judge filed a Report and Recommendation in which she found that (1) Plaintiff has not pleaded any factual allegations to support a claim that Defendants were deliberately different to Plaintiff's medical needs; (2) the medical Defendants associated with the Regional Medical Center are not "state actors" for purposes of § 1983; (3) claims of negligence against the OCSD Defendants are not actionable under § 1983; (4) Plaintiff's due process claims lacked merit; (5) Plaintiff's equal protection claims lacked merit; and (6) the court is prohibited from interfering with state criminal proceedings under Younger v. Harris, 401 U.S. 37 (1971). Accordingly, the Magistrate Judge recommended that the complaint be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation. However, on March 13, 2012, Plaintiff filed a motion for consecutive sentences. On April 2, 2012, Plaintiff filed a motion for attorneys' fees and for dismissal of the Report and Recommendation. On May 14, 2012, Plaintiff filed a motion to compel. On May 21, 2012, Plaintiff filed a motion for hearing.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. This court is obligated to conduct a de novo review of every portion of the Magistrate Judge's report to which objections have been filed. Id.

In his filings, Plaintiff generally recites case law and seeks court intervention in his state court criminal proceedings. The district court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). Nevertheless, the court has thoroughly examined the record. Plaintiff's objections are without merit.

The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff's complaint is summarily dismissed without prejudice and without issuance and service of process. Plaintiff's motions for consecutive sentence (ECF No. 23), attorneys' fees (ECF No. 25), to compel (ECF No. 26), and for a hearing (ECF No. 27) are **denied as moot**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina

June 27, 2012

NOTICE OF RIGHT TO APPEAL
Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.